



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,017	03/25/2004	Jan Wietze Huisman	Vertis-4/Con	7836
7265	7590	11/17/2006	EXAMINER	
MICHAELSON & ASSOCIATES			TSOY, ELENA	
P.O. BOX 8489			ART UNIT	
RED BANK, NJ 07701			PAPER NUMBER	
			1762	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,017

Applicant(s)

HUISMAN, JAN WIETZE

Examiner

Elena Tsoy

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 86-136 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 86-136 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Response to Amendment

Amendment filed on October 13, 2006 has been entered. Claims 86-136 are pending in the application.

Specification

Objection to the amendment to the specification filed on 1/23/2006 has been withdrawn due to correction.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Rejection to claims 86-134 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention has been withdrawn due to amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 86-105, 107-111, 114, 119-123, 128-136 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al (US 5,683,772) in view of Reil (US 4,526,314), further in view of Mueller (US 4,098,742) and Keeler (US 4,172,064) for the reasons of record set forth in

Art Unit: 1762

paragraph 3 of the Office Action mailed on 7/15/2005 because the amendment did not change the scope of invention.

5. Claim 106 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of JP 10114851 for the reasons of record set forth in paragraph 4 of the Office Action mailed on 7/15/2005.

6. Claims 112, 113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Hargadon (US 3,601,862) for the reasons of record set forth in paragraph 5 of the Office Action mailed on 7/15/2005.

7. Claims 115, 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Ito (US 3,659,787) for the reasons of record set forth in paragraph 6 of the Office Action mailed on 7/15/2005.

8. Claim 117 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of JP 07024367 for the reasons of record set forth in paragraph 7 of the Office Action mailed on 7/15/2005.

9. Claim 118 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Petterson (US 3,896,602) for the reasons of record set forth in paragraph 8 of the Office Action mailed on 7/15/2005.

10. Claims 124-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil, further in view of Mueller and Keeler, and further in view of Rusincovitch,

Art Unit: 1762

Jr. (US 5,304,411) for the reasons of record set forth in paragraph 9 of the Office Action mailed on 7/15/2005.

11. Claim 92 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al in view of Reil and Vente et al (US 4,935,187), further in view of Mueller and Keeler for the reasons of record set forth in paragraph 9 of the Office Action mailed on 4/10/2006.

Response to Arguments

12. Applicants' arguments filed October 13, 2006 have been fully considered but they are not persuasive.

(A) Applicants maintain their arguments: it is well known that heating means are not provided in ordinary injection molding molds, especially not for heating a plastic mass to elevate the temperature above the injection temperature. Moreover, cooking is not shown in such mold. In fact, an examination of a dictionary reveals that such meaning is not disclosed. Heating is performed prior to injection.

The Examiner respectfully disagrees with this argument. In contrast to Applicants argument, Andersen et al teach, "In a preferred embodiment, the moldable mixture is positioned within a **heated mold** cavity. The **heated mold cavity** may comprise many different embodiments, **including molds typically used in conventional injection molding** and die-press molding processes. In one preferred embodiment, for example, the moldable mixture is placed inside a heated female mold. Thereafter, a heated male mold is complementarily mated with the heated female mold, thereby positioning the mixture between the molds. As the mixture is heated, **the starch-based binder gelates** (Applicants cooking), increasing the viscosity and yield stress of the mixture. Simultaneously, the mixture increases in volume within the heated molds cavity as a

Art Unit: 1762

result of the formation of vapor bubbles from the evaporating solvent, which are initially trapped within the viscous mixture” (See column 16, lines 50-64). Andersen et al also teach that a variety of other components can be added to the *moldable mixture* to impart desired properties to the final article (See column 55, lines 38-40) such as cross-linking admixtures such as dialdehydes, methylureas, and melamine formaldehyde resins to produce a less water soluble starch-based binder which bind to the hydroxyl ions of the starch-based binder (Applicants cooking) (See column 56, lines 12-21).

Therefore, in contrast to Applicants argument, Andersen et al teach heated mold cavity including molds typically used in conventional injection molding, and *cooking* in the mold.

(B) Applicants state that the difference in surface tension is relevant both between the surface and the first coating and between the two coatings.

The Examiner respectfully disagrees with this argument. In contrast to Applicants argument, claims recite the difference in surface tension NOT between the two coatings but between the surface and the first coating only.

(C) Applicants argue that the strengthening of the coating is far different from preventing damage to a fold line. In the use of coatings according to the present invention, the coatings increase flexibility and at the same time strengthen the surface. Still further, the Examiner has provided no basis whatsoever for combining Anderson and Reil. These patentees focus their interests upon different types of products made in totally different procedures. Anderson discloses folds that are sufficient in themselves. One skilled in the art would therefore not seek improvement by using tape as shown by Reil. And this is especially clear since Anderson is concerned with mono material products which very clearly teaches away from the use of adhesives or tape.

Art Unit: 1762

The Examiner respectfully disagrees with this argument. According to MPEP, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation in the references themselves to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Combination of Andersen et al and Reil meets all three basic criteria. Andersen et al teach that some **coatings** may also be used to strengthen places where the articles are severely bent (See column 66, lines 25-27). Reil teach that reinforcing strips can be applied over a waterproof coating of polyethylene layer (See column 8, line 24) coated on a paperboard web for cartons (See column 1, lines 11-14) in the regions of bending lines (See column 6, lines 32-47) to eliminate dangerous leakage locations (See column 3, lines 13-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied a strengthening coating over a waterproof coating in Andersen et al in places where the base product would be severely bent with the expectation of eliminating dangerous leakage locations, as taught by Reil. One of ordinary skill in the art would have reasonable expectation of success in strengthening bending lines in Andersen et al by coating over a waterproof coating of Andersen et al. Moreover, Reil is a secondary reference, which is applied to show only that reinforcing strips can be used applied over a waterproof coating such that of Andersen to strengthen places where the articles are severely bent.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is 571-272-1429. The examiner can normally be reached on Monday-Thursday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1762

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy
Primary Examiner
Art Unit 1762

ELENA TSOY
PRIMARY EXAMINER
ETsoy

November 14, 2006